

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Benjamin Heyward,

Plaintiff,

vs.

South Carolina Department of  
Corrections, Larry Cartledge, Mr.  
Williams, and Mr. Church,

Defendants.

Civil Action No. 6:13-2982-JFA-KFM

**REPORT OF MAGISTRATE JUDGE**

The plaintiff, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. This matter is before the court on the plaintiff's motion to voluntarily dismiss his case (doc. 15)

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Civil Rule 73.02(B)(2)(d) DSC, this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On July 17, 2014, the plaintiff moved to dismiss this action, stating, "The plaintiff would admit that he added Federal Rules in his state civil action suit, and he realized there is no need to go forward with this civil action. Therefore, plaintiff respectfully ask the court to dismiss his 'state civil action law suit'" (doc. 15). The defendants filed a response stating that they do not oppose the dismissal of this action (doc. 17).

Wherefore, it is recommended that the plaintiff's motion be granted and this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Should the district court grant the plaintiff's motion, the defendants' motion for extension of time to file dispositive motions (doc. 16) will be rendered moot.

IT IS SO RECOMMENDED.

s/ Kevin F. McDonald  
United States Magistrate Judge

July 21, 2014  
Greenville, South Carolina